

208
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45127-2023(O&M)

Date of Decision:17.10.2023

Harmeet Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vipul Aggarwal, Advocate, for the petitioner.

Mr. Ramdeep Partap Singh, Senior DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.131 dated 29.06.2023, under Sections 307, 323, 326 and 34 IPC (Section 326 IPC added later on), registered at Police Station Ajnala, District Amritsar Rural.

2. Learned counsel for the petitioner submitted that it is a case where even as per the allegations the petitioner had allegedly caught hold of the complainant who was inflicted injuries by the father of the petitioner namely, Budh Singh who was arrested. He submitted that even in the affidavit which has been filed with regard to the role of the petitioner, it has been so stated by the State that the petitioner has not attributed any injury to the complainant since he only caught hold of him. He submitted that in view of the above, since there is no specific injury attributable to the petitioner, he may be considered

for the grant of anticipatory bail.

3. On the other hand, Mr. Ramdeep Partap Singh, Senior DAG, Punjab has stated that an affidavit has been filed by the State and as per the affidavit, the petitioner is not entitled for the concession of anticipatory bail in view of the seriousness and the gravity of the offence and he is required for custodial interrogation and he is absconding after the registration of the FIR whereas his father was arrested and qua his father namely, Budh Singh, challan has been presented. He submitted that although it is true that there was no injury attributable to the petitioner but he had caught hold of the injured and thereafter his father had inflicted injuries on the head.

4. I have heard the learned counsel for the parties.

5. The prayer in the present petition is for grant of anticipatory bail. The present FIR was lodged on 29.06.2023 and thereafter, the father of the petitioner namely, Budh Singh was arrested but the petitioner was absconding. A separate order has been passed by this Court in a petition filed by the father of the petitioner namely, Budh Singh, the regular bail of the aforesaid Budh Singh has been allowed by this Court since he has already faced incarceration from 29.06.2023 when he was arrested. However, so far as the present petitioner who is the son of the aforesaid Budh Singh is concerned, as per the allegations in the FIR and as per the State counsel, he had caught hold of the injured and his father had inflicted injuries on the head. As per the affidavit filed by the State, the injuries on the head were declared to be grievous in nature by the Board of Doctors. This Court is of the view that no distinction can be drawn with regard to the aforesaid incident wherein the petitioner had only caught hold of the injured and his father had inflicted injuries on the head for the purpose of considering the grant of anticipatory bail in view of the fact that it is not the case of the learned counsel for the petitioner that he was not

present on the spot. Moreover, the petitioner has already been absconding for long period of time. The submissions made by the learned State counsel based upon the affidavit filed by the State that the petitioner is required for custodial interrogation and he is absconding for long time and considering the gravity of the offence, he is required for custodial interrogation does carry weight and cannot be ignored.

6. In view of the aforesaid facts and circumstances and considering the gravity of the offence involved, the petitioner does not deserve the concession of anticipatory bail.

7. Consequently, the present petition is dismissed.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

17.10.2023

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No